

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION

<p>UNITED STATES OF AMERICA, <i>ex rel.</i></p> <p>And, Individually, Bryan Heath and Amber Heath</p> <p>Plaintiffs,</p> <p>vs.</p> <p>Cobham Mission Systems Davenport LSS Inc and Cobham Mission Systems Davenport AAR Inc., formerly known as Carleton Life Support Systems, Inc and Sargent Fletcher Inc.</p> <p>Defendants.</p>	<p>CASE NO. 20-cv-00041-LRR-KEM</p> <p>PLAINTIFFS' MOTION TO DISMISS WITHOUT PREJUDICE</p>
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Come now Plaintiffs/Relators and move this Court for its order allowing them to dismiss their case without prejudice. In support of their Motion, Plaintiffs state:

1. Plaintiffs filed their Complaint in March 2020, after which the United States conducted an investigation that continued through May 2022 at which time the United States declined to intervene.
2. As is typical, Plaintiffs have no idea why the government decided not to intervene or what evidence persuaded the government.
3. Plaintiffs conducted settlement negotiations with the Defendant in an attempt to resolve Mr. Heath's wrongful discharge claim and reached an

agreement which required that the case be dismissed with prejudice, which the government refused to approve.

4. *Strubbe v. Crawford County Memorial Hospital*, 2017 WL 8792692, outlines the high standard Plaintiffs must meet on the issue of proving their conduct is protected and that the employer knew their actions were to advance a qui tam action. *U.S. ex rel. Strubbe v. Crawford County Meml. Hosp.*, 915 F.3d 1158, 1167–68 (8th Cir. 2019).
5. In light of the government’s declination to intervene, the 8th Circuit case law and other circumstances of the case, Plaintiffs now seek the dismissal of their case without prejudice.

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CERTIFICATE OF SERVICE

The undersigned states that the foregoing Motion to Dismiss without prejudice was emailed to the attorneys listed below and also copied through the ECF system on August 25, 2022.

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